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The 3rd Magha, 1935 (S. E.)

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**THE HIGH COURT OF MEGHALAYA  
SHILLONG**

**NOTIFICATIONS**

The 7th January, 2014.

**No.HCM.II/120/2013/33.**

As per Notification No.K-13034/01/2013-US.I dated 2<sup>nd</sup> January, 2014 received from Joint Secretary to the Government of India, Ministry of Law and Justice, (Department of Justice) wherein the President of India is pleased to appoint Shri. Justice Sudip Ranjan Sen, Additional Judge High Court of Meghalaya to be Judge of the High Court of Meghalaya and thereby Hon'ble Mr Justice Sudip Ranjan Sen has accordingly assumed charge as Judge of the High Court of Meghalaya in the forenoon of 7<sup>th</sup> January, 2014.

**REGISTRAR GENERAL**

The 15th January, 2014.

**No.HCM.II/313/2013/91.**—In continuation to the Notification No.HCM.II/313/2013/5946, dated 13th December, 2013, Smti. B. Giri, I/c. District & Sessions Judge, Jowai is hereby granted extension of commuted leave for 26 (twenty six) days with effect from 12th December, 2013 to 6th January, 2014.

The officer would have continued to hold the same post had she not proceeded on leave and there is every likelihood of her return on expiry of leave.

**REGISTRAR GENERAL**

The 19<sup>th</sup> December, 2013.

**THE HIGH COURT OF MEGHALAYA (RECRUITMENT AND  
CONDITIONS OF SERVICE OF OFFICERS AND STAFF) RULES, 2013**

**No.HCM.II/105/2013/6039.**- In exercise of the powers conferred by Article 229 of The Constitution of India and all other enabling provisions in this behalf and in supersession of all Rules, Regulations, Notifications, Orders, etc, on the subject, Hon'ble The Chief Justice of the High Court of Meghalaya hereby makes the following Rules with respect to recruitment and conditions of service of persons serving in the establishment of the High Court of Meghalaya.

**PART – I**

**1. Short title and commencement :-**

- (1) These Rules shall be called “The High Court of Meghalaya (Recruitment and Conditions of Service of Officers and Staff) Rules, 2013.”
- (2) These Rules shall come into force with effect from the date the same are notified.
- (3) They shall apply to the members of the establishment and the members of the staff appointed in the establishment of the High Court.

**2. Definitions :-**

In these Rules, unless the context otherwise requires:-

- (a) ‘**Chief Justice**’ means The Chief Justice of the High Court of Meghalaya.
- (b) ‘**Constitution**’ means The Constitution of India.
- (c) ‘**Court**’ means the High Court of Meghalaya.
- (d) ‘**Establishment**’ includes all Officers, Departments, Sections, Branches and other ancillary Cells, Units and Wings of the High Court of Meghalaya.
- (e) ‘**Governor**’ means The Governor of the State of Meghalaya.

- (f) ***‘Member of the establishment’*** means a person appointed in accordance with these Rules or the Rules or orders in force prior to the commencement of these Rules, but does not include Officers appointed by way of deputation.
- (g) ***‘Member of the Staff’*** means and includes the class-III & IV employees working in the establishment of the High Court of Meghalaya.
- (h) ***‘Officers’*** means Class-I & II Officers appointed from amongst the members of the Staff of the Court, and also include Judicial Officers on deputation.
- (i) ***‘Schedule’*** means the Schedule appended to these Rules.
- (j) ***‘Scheduled Caste’*** means such castes, races or tribes or parts of groups within such castes, races or tribes as are declared to be scheduled Castes in relation to the State of Meghalaya under Article 341 of The Constitution of India.
- (k) ***‘Scheduled Tribe’*** means such tribes or tribal communities or parts of groups within such tribes or tribal communities as are declared to be Scheduled Tribes in relation to the State of Meghalaya under Article 342 of The Constitution of India.
- (l) ***‘State Government’*** means the Government of Meghalaya.

## PART – II

### 3. High Court Establishment :-

- (1) The establishment of the High Court shall comprise of various posts classified and categorized in the Schedule appended to these Rules.
- (2) The Chief Justice may from time to time create additional number of posts in any class or category with approval of the State Government.

**4. Appointing Authority :-**

- (1) The Chief Justice shall be the Appointing Authority for all Class-I, Class-II and other Gazetted posts in the establishment of the Court and all promotions shall be made by the Hon'ble Chief Justice in his absolute discretion.
- (2) The Registrar General shall be the Appointing Authority with respect to all other posts (including Fixed Wages and Daily Wages employees). However, such appointment shall be made by the Registrar General with prior approval of the Chief Justice.

**5. Classification of Services and Post :-**

The Services and Posts in the establishment of the Court shall be classified as follows :-

- (i) Class – I Gazetted
- (ii) Class – II Gazetted
- (iii) Class – III Non-Gazetted
- (iv) Class – IV Non Gazetted

**6. General :-**

Each category of the Service consists of the posts as are set out in the Schedule hereto annexed, subject to any additions thereto or any modifications thereof as may, from time to time, be made by the Hon'ble Chief Justice, with the approval of the State of Meghalaya where such approval is necessary.

**7. Appointment of persons in the establishment of the Court:-**

Appointment of members of the establishment and members of the staff, meaning thereby persons in various classes and categories in the establishment of the Court shall be made either by-

- (i) deputation; or
- (ii) direct recruitment; or
- (iii) promotion;

In the manner as indicated against every such post of any class or category in the Schedule.

A candidate for appointment must in any case satisfy apart from other qualifications, the following conditions :-

1. that he is of sound health, and
2. that his character and antecedents are such as to qualify him for his service.

Mode of appointment to various posts shall be as prescribed in Schedule - I

**8. Eligibility :-**

No person shall be appointed as a member of the High Court Establishment unless he is a citizen of India as defined in Arts.5 and 6 of the Constitution of India.

**9. Age :-**

- (1) A candidate for appointment to the High Court Service who is not in permanent Government Service must not be more than 27 years of age in case of General category candidates and 32 years of age in case of Scheduled Castes, Scheduled Tribe candidates at the time of his/her application. No application shall be entertained from a person whose age is less than 18 years.
- (2) Relaxation of 5 years in upper age limit shall be admissible to the candidates belonging to the Ex-Servicemen.

**10. Pay and Allowances:-**

All High Court employees shall draw the pay scale, allowances and other benefits as approved by the State Government. The cadres of the different classes of services in the Court including the number and character of posts shall be those as set out in the **Schedule**.

**11. Increment:—**

- (1) The first increment admissible to a member of the service shall accrue on completion of one year from the date of his joining the post but subsequent

increment shall be allowed only on his completion of the period of probation successfully.

(2) The increment admissible to a member of the service promoted from one post to another shall accrue on the expiry of such year as admissible under the rules.

## **12. Age of Retirement:-**

(1) The date of retirement of an employee of the Court is the date on which he/she attains the prescribed age of superannuation as per the orders of the State Government. He/She may be retained in service after the date of retirement for a period of six months by Hon'ble the Chief Justice on administrative ground which may be recorded in writing.

(2) The date of retirement of an employee of the Court will be the afternoon of the last date of the month in which the date of retirement falls, as explained below:-

### **Explanation :-**

Date of Birth	Date of retirement on attaining the prescribed age of superannuation.
(a) 1 <sup>st</sup> of the Month	Afternoon of the last date of the preceding month.
(b) Any other date of the month	Afternoon on the last day of that month

## **13. Seniority:-**

(A) The seniority of a Member of the Staff, or a Member of the Establishment, other than the Officers on deputation, shall be determined by the date of his/her first appointment in service, cadre, class or category in which he/she is appointed.

**Explanation :** The words “date of first appointment” as occurring in this Rule means the date of first substantive appointment; meaning thereby the date of first appointment on probation or otherwise, but on a clear vacancy, confirmation being subject to good work and conduct.

(B) Inter se seniority of two or more persons appointed on the same post in a class or category of the establishment simultaneously will, notwithstanding the fact that they may join or assume duty of their appointment on different dates, shall be determined :-

(i) in the case of those recruited directly, according to the position attained by and assigned to them in order of merit, and

(ii) in any class or category of posts which provides for appointment, both by promotion as well as by direct recruitment, the promotees shall rank senior to direct recruits and inter se seniority of appointees in both groups would be subject to (i) above.

(C) For the purpose of determination of seniority in the matter of promotion by Merit-cum-Seniority, if two or more persons belong to different cadres, their Inter-se-Seniority shall be determined as under:-

(a) a person who is in a higher scale of pay shall rank higher to the person belonging to a lower scale of pay;

(b) if two persons are in the same scale of pay and grade, then the person appointed earlier in the same scale of pay and grade shall rank higher to the persons appointed later in the same scale of pay and grade.

(c) if the scale of pay is same, but grade pay is different, then the person having higher grade pay shall rank higher to a person having lower grade pay.

#### **14. Probation :-**

Notwithstanding anything contained in these Rules, a person appointed to Class-I, Class-II, Class-III or Class-IV service or post by direct recruitment, shall be on probation for a period of one year and in case of promotion to different cadre, he/she shall be on probation for a period of one year.

- (1) If it appears at any time during or at the end of the period of probation that services of the employee concerned are not satisfactory his/her services may be dispensed with or in case of any promotee, he/she may be reverted to his substantive post, without any prior notice.

**15. Confirmation** – (i) A member of High Court establishment other than Class III and Class IV service may be confirmed in the post to which he has been appointed or promoted when (a) he has completed the period of probation; and (b) the Hon'ble Chief Justice is satisfied that he is fit for confirmation.

(ii) A member of the Class III and Class IV service may also be likewise confirmed in the post to which he has been appointed only when the Registrar General is satisfied that he is fit for confirmation, with the prior approval of the Hon'ble Chief Justice.

**16. Medical Examination :-**

Each person appointed in the Establishment of the High Court shall be required to produce a Medical Certificate of Fitness from a Civil Surgeon or a Medical Officer of Govt. Hospital or a Medical Board within two months from the date of his/her first appointment.

**17. Reservation :-**

Reservation in direct recruitment for various categories and classes of post in the establishment of the High Court with respect to Scheduled Castes, Scheduled Tribes, shall be in accordance with the prevailing policies of the State Government.

**18. Deputation :-**

The Chief Justice may, in any appropriate case, permit a member of the establishment or member of the staff to go on deputation outside the Court for such period, as he considers appropriate.

**19. Conditions of Service :**

(I) In respect of all such matters regarding the conditions of service of Court employees for which no provision is made or insufficient provision has been made in these Rules, the Rules and Orders for the time being in force and applicable to employees, holding corresponding posts in the Government of Meghalaya, which are not inconsistent with these Rules, shall regulate the conditions of service of Court employees subject to such modifications, variations, and exceptions, if any, in the said Rules and Orders, as the Chief Justice may from time to time specify.



Provided that the powers exercisable under the Rules and Orders of the Government, by the Governor or by any authority subordinate to the Governor shall be exercisable by the Chief Justice or by such person as he may, by general or special order, direct.

If any question arises as to which Rule or Order is applicable to the case of any particular person serving in the establishment of the High Court and as to interpretation thereof it shall be decided by The Chief Justice and his decision shall be final.

**20. Relaxation:-**

The Chief Justice may, from time to time, with respect to any individual case or for any class or groups of cases relax any condition or any requirement as it relates to age, qualification or minimum experience, prescribed under these Rules.

**PART III  
CONDUCT**

**21. General:—** Every member of the High Court establishment shall, at all times, maintain absolute integrity and devotion to duty, and shall not in any manner act prejudicial to discipline and good order in the Registry.

**22.** Every employee shall perform the task assigned to him/her within the time set for the purpose, ensuring the quality of performance expected of him.

**23.** Every employee shall obey implicitly the orders of his superior officer and shall not exhibit any kind of insubordination either alone or in combination with others.

**24.** No employee shall wilfully or otherwise neglect his duties.

**25.** No employee shall be absent from duty without permission from the competent authority.

**Explanation** – (a) In case of absence due to sudden illness or some other unforeseen circumstances beyond his/her control, a member of the establishment of the High Court shall give information thereof to the office without delay.

(b) All application for leave for more than five days on grounds of ill health, shall be supported by a Medical Certificate from a registered medical practitioner. In appropriate cases the Registrar General may ask the employee to produce a Medical Certificate from his/her authorized Medical Officer or the Civil Surgeon.

(c) All Earned Leave Applications should be submitted as far as possible ten days before it is availed.

**26. Taking part in politics and elections: –**

(a) No persons employed in the High Court shall be a member of or be otherwise associated with, any political party or any organization which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner; any political movement or activity.

(b) No persons employed in the High Court shall canvass or otherwise interfere or use his influence in connection with or take part in, an election to any legislature or local body.

**Provided that :**

A member of the High Court establishment shall not be deemed to have contravened the provisions of this rule by reasons only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force, or for the reason he exercised right to vote.

Explanation – The display by a member of the High Court establishment on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this sub-rule.

**27. In connection with press or radio:-**

(1) No person employed in the High Court establishment shall, except with the previous permission of the Registrar General wholly or in part, conduct or participate in the editing or managing of any newspaper or other periodical publication.

(2) No person employed in the High Court establishment shall, except with the previous permission of the Registrar General or in the bona fide discharge of

his duties, participate in a radio broadcast, television or contribute any article or write any letter to any newspaper or periodical:

Provided that no such permission shall be required if such broadcast or such contribution is of a purely literary, artistic, religious, educational or cultural character.

**28. Evidence before committees:—** (1) No person employed in the High Court establishment shall, except with the previous permission of the Chief Justice, give evidence before any public committee.

(2) Nothing in this rule shall apply to –

(a) evidence given before a committee which has power to compel the attendance of witnesses or the production of documents; or

(b) evidence given before an authority holding any judicial or departmental inquiry.

**29. Unauthorised communication of information –** No member employed in the High Court shall, except in accordance with any general or special order of the Chief Justice or the Registrar General or in the performance in good faith of the duties assigned to him communicate directly or indirectly to any other member of the High Court establishment or to a Government servant or to any private person or to the press, any document or information which has come into his possession in the course of his official duties or has been prepared or collected by him in the course of those duties.

Provided that nothing in this rule would bar a person from giving information required to be supplied under Right to Information Act, 2005.

**30. Collecting subscription for public causes –** (1) No person employed in the High Court shall without the permission of the Registrar General, circulate amongst other members of the High Court establishment or persons connected with the business of the High Court, appeals for subscriptions for public causes or raise any subscription by exerting his official position or influence.

(1) No person employed in the High Court shall assist any outsider to have access for such purposes in the premises of the High Court.

**31. Gifts:—** Save as otherwise provided under these rules no person employed in the High Court shall, except with the previous permission of the Registrar General, accept from any person directly or indirectly or permit any member of his family to accept any gift, gratuity or reward of more than trifling value:

Provided that gift of a value, reasonable in all circumstances of the case, may be accepted from relations and personal friends or presented to such persons on occasions such as weddings, anniversaries, funerals and religious functions, when the making or receiving of such gifts is in conformity with the prevailing religious or social customs.

**32. Private trade or employment –** No person employed in the High Court shall, except with the previous permission of the Registrar General, engage directly or indirectly, in any trade or business or undertake any other employment:

Provided that a member of the High Court establishment may, without such permission, undertake honorary work of a social or charitable nature or occasional work of all literary, artistic, scientific, educational or cultural character, subject to the condition that his official duties do not thereby suffer; but he shall not undertake or shall discontinue such work, if so directed by the Registrar General.

**Explanation –** Canvassing by a member of the High Court establishment in support of the business of insurance agency, commission agency, etc. owned or managed by his wife or any other member of his family shall be deemed to be breach of this rule.

**33. Insolvency and habitual indebtedness –** A member of the High Court establishment shall so manage his private affairs as to avoid habitual indebtedness or insolvency. A member of the High Court establishment who becomes the subject of a legal proceeding for insolvency shall forthwith report the full facts thereof to the Registrar General.

**34. Movable, immovable and valuable property –** (1) No person employed in the High Court shall, except with the previous knowledge of the authority mentioned in the Explanation below, acquire, or dispose of any immovable property

by lease, mortgage, purchase, sale, gift or otherwise, either in his own name or in the name of his or her spouse or dependant children.

- (2) A member of the High Court establishment who enters into any transaction concerning any movable property exceeding ten Lakh rupees in value, whether by way of purchase, sale or otherwise, shall forthwith report such transaction to the authority specified below.

**Explanation**—The authority for the purposes of sub-Rr. (1) and (2) above shall be—

(i) The Chief Justice in the case of the Registrar General and other members of the High Court establishment holding a gazetted post.

(ii) The Registrar General in the case of all other members of the High Court Service.

(3) Every Class I member of the High Court establishment and such other categories of persons employed in the High Court as may be specified by the Chief Justice by general or special order shall, on first appointment in the service of the High Court and thereafter at intervals of every twelve months, submit a return in such form as the Chief Justice may prescribe in this behalf, of all immovable property owned, acquired or inherited by him or held by him in lease or mortgage either in his own name or in the name of any member of his family or in the name of any other person.

(4) The Chief Justice may, at any time by general or special order require a member of the High Court establishment to submit, within a period specified in the order, a full and complete statement of such movable and immovable property, held or acquired by him or by his or her spouse or dependant children as may be specified in the order. Such statement shall, if so required include details of the means by which, or the source from which property was acquired.

**35. Vindication of acts and character of members of the High Court Establishment** — (1) No person employed in the High Court shall without the previous permission of the Registrar General, have recourse to a Court or to the press for the vindication of his official acts or character, which have been the subject matter of adverse criticism or an attack of defamatory character. In granting

permission to the recourse to a Court, the Registrar General shall, in each case, decide whether the High Court shall bear the cost of the proceedings or whether the servant concerned should institute the proceeding at his own expense, and if so, whether, in the event of a decision in his favour, the High Court shall reimburse to the extent of the whole or any part of the costs.

(2) Nothing in this rule shall be deemed to prohibit or otherwise affect the right of the member of the High Court establishment from vindicating his private character or any act done by him in his private capacity.

**36. Canvassing of non-official or other outside influence** – No person employed in the High Court shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service in the High Court.

**37. Relations with Advocates** – (1) No person employed in the High Court shall have any business dealings with an Advocate, nor shall save with the express permission of the Registrar General, share his or her residential accommodation with any such Advocate.

Explanation :- No permission shall be required to share residence with an advocate who is the spouse of such employee.

(2) The provisions of this rule shall apply notwithstanding that the member of the High Court establishment is related to the Advocate concerned, except where the employee and the advocate are spouses of each other.

(3) This rule does not debar a member of the High Court establishment from accepting an invitation from an advocate to a marriage party or to a social gathering.

**38. Seeking of redress from Court in respect of service matters** –A member of the High Court establishment may seek redress from the Registrar General or from the Chief Justice with the permission of the Registrar General in the matter of grievance arising out of his employment or conditions of service.

**39. Demonstrations and strikes** – No person employed in the High Court shall participate in any demonstration or resort to any form of strike in connection with any matter pertaining to his conditions of service.

**40. Joining of Association by High Court Servants** – No person employed in the High Court shall join or continue to be a member of a Service Association which has not obtained the recognition of the Chief Justice, or recognition in respect of which has been refused by the Chief Justice.

**41. Arrests on a criminal charge** – It shall be the duty of a member of the High Court establishment who has been arrested on criminal charge or a proceeding taken against him in connection with his position as a member of the High Court establishment or otherwise which is likely to embarrass him in the discharge of his duties or which involves moral turpitude, to intimate the fact of his arrest and the circumstance connected therein, to the Registrar General promptly in writing even though he might have subsequently been released on bail. Failure on the part of the member of the High Court establishment concerned to inform will be regarded as suppression of material information and will render him liable to disciplinary action on this ground alone, apart from any action that may be taken against him on the conclusion of the case against him.

**42. High Court property** – No person employed in the High Court shall take out any article or property belonging to the High Court outside the Court to his house without the express permission of the Registrar General.

**43. Contravention of laws and conviction by a court of law** – Any contravention of any law by a member of the High Court establishment which involves moral turpitude, shall be regarded as a serious matter, of which notice shall be taken departmentally.

Where such contravention is followed by a conviction in a Court of law, the member of the High Court Service may be punished departmentally on the basis of that conviction alone without following the procedure laid down for departmental enquiries, unless such conviction is suspended by the appellate court.

**44. Contravention of rules** – (1) Any member of the High Court establishment contravening the provisions of any of the rules in this Part shall render himself liable to disciplinary action under the rules in Part IV of these rules.

(2) The Chief Justice shall have the power to take any action against the Registrar General for contravention of the rules in this Part. In relation to matters pertaining to the conduct of the Registrar General, the Chief Justice shall be the competent authority for granting the requisite permission to the Registrar General in respect of anything which is required to be done with the previous permission of superior authority under any of the rules in this Part.

#### **PART IV CONTROL AND DISCIPLINE**

**45. Punishment** – The following penalties may, for good and sufficient reason, be imposed by the appointing authority upon persons both Gazetted and non-Gazetted serving in the High Court:

- (1) Censure,
- (2) Fine,
- (3) Withholding of increment or promotion,
- (4) Reduction to a lower post of time scale or to a lower stage in the same time scale.
- (5) Recovery of reduction from the pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders,
- (6) Suspension,
- (7) Removal from the High Court Service with a disqualification for future employment.
- (8) Dismissal from the High Court Service with a disqualification in regard to further employment in High Court or Government Service.



**Explanation** –The discharge

(a) of a person appointed on probation during or at the end of the probation, or before his confirmation in a substantive capacity in accordance with the terms of his appointment;

(b) of a person appointed otherwise and contract to hold a temporary appointment on the expiration of the period of appointment; and

(c) of a person engaged on contract, in accordance with the terms of his contract, shall not be treated as punishment nor shall it be treated as removal or dismissal within the meaning of this rule.

**46. Procedure in Departmental Enquiries :**

(1) No person in the establishment of the High Court shall, unless it be on the ground of conduct which has led to his conviction on a criminal charge or unless the Hon'ble Chief Justice or the Registrar General, as the case may be, is satisfied that for some reason to be recorded by the Hon'ble Chief Justice or the Registrar General, it is not reasonably practicable to give such person an opportunity of showing cause, be dismissed, removed or reduced in rank unless he has been informed in writing of the grounds on which it is proposed to take action, and has been afforded an adequate opportunity of defending himself.

(2) The definite charge or charges shall be communicated to the person charged, together with a statement of allegation on which each charge is based, and of any other circumstances which it is proposed to take into consideration in passing orders on the case.

(3) The employee charged shall be required within a reasonable time to file a written statement of his defence and to state whether he desires to be heard in person. If he so desires or if the authority concerned so directs, an inquiry shall be held. At that enquiry, evidence shall be given as to such of the allegations as are not admitted, and the person charged shall be entitled to cross – examine the witnesses, to give evidence in person and to have such witnesses called as he may wish; provided that the officer conducting the enquiry may, for special and sufficient reason to be recorded in writing declines to call a witness. The proceedings shall

contain a sufficient record of the evidence and a statement of the findings and the ground thereof.

(4) Except under special circumstances, no Barrister, Advocate, Attorney, Pleader or Agent shall be allowed to appear on behalf of either party before the officer who conducts the inquiry or any officer to whom the appeal may be made.

(5) When found guilty as far as possible the delinquent official shall be supplied copy of enquiry report before punishment is awarded.

(6) The appointing authority competent to inflict punishment may then pass orders after considering the findings of the enquiring officer.

**47.** No proceedings shall commence against a member of the establishment of the High Court without the previous sanction of the Appointing Authority, and the order of sanction will prescribe as to by whom proceedings will be drawn up and conducted.

**48. Free copy of order** – When any order of punishment has been passed, the member of the establishment of the High Court who is punished, shall be entitled to receive a copy of such order free of cost. But he shall not be entitled to have copies of reports, letters or rules which do not form part of the record.

**49. Confidential papers not to be referred to** – In order to preserve the confidential character of correspondence so marked and of other correspondences, which, in the interest of public service, it is not desirable to disclose, the authority conducting the proceedings shall base his findings and orders on facts and inferences appearing in or deduced from the record and should not refer to confidential papers which cannot be embodied in the record.

**50. Above instructions inapplicable in certain cases** – When from the facts elicited in a criminal case brought against a member of the establishment of the High Court on which he has not been convicted or in a civil suit instituted against him, it is apparent that his retention in the public service is prima facie no longer desirable, he may be ordered on the basis of the facts to show cause why he should not be punished by dismissal or otherwise. In such a case, the member concerned should

be given an opportunity of stating his defence, and should not be precluded from tendering such further evidence which he may desire to give in support of his case.

**51. Appeal** – (a) Every person in the establishment of the High Court shall be entitled to appeal to the Hon'ble Chief Justice against any order passed by the Registrar General which imposes upon him any of the penalties specified.

(b) The order of the Hon'ble Chief Justice passed in appeal shall be final and shall not be questioned in any court.

**52.** Every person preferring an appeal shall do so separately and in his own name and within thirty days from the date of the order appealed from.

**53.** Every appeal preferred under these rules shall contain all material statements and arguments relied upon by the appellant including the grounds upon which the appeal is founded, shall contain no disrespectful or improper language and shall be complete in itself. Every such appeal shall be addressed to the authority to whom the appeal lies, through the authority from whose order the appeal is preferred; and shall be submitted through the usual official channel.

**54.** An appeal may be withheld by an authority not lower than the authority from whose order it is preferred, if-

(i) it does not comply with the provisions of the rules, or

(ii) it is a repetition of a previous appeal and is made to the same appellate authority by which such appeal has been decided, and no new facts or circumstances are adduced which afforded grounds for reconsideration of the case;

Provided that in every case in which an appeal is withheld the appellant shall be informed of the facts and the reasons for it;

Provided also that an appeal is withheld only because of failure to comply with the provisions of the rules may be resubmitted at any time within 30 days of the date on which the appellant has been informed of the withholding of the appeal, and if resubmitted in a form which complies with these provisions, shall not be withheld.

**55. Other conditions of service** – (i) Subject to the provisions of these rules and the rules and orders for the time being in force and applicable to the Government servant of corresponding classes in the service of the State shall mutatis

mutandis regulate the service of person serving in the establishment of the High Court.

Provided that the powers exercisable under the said rules and orders by the Governor of the State of Meghalaya or by any authority subordinate to the Governor of the State of Meghalaya shall be exercisable by the Chief Justice or any such person as he may, by special or general order direct.

(ii) any question arising as to which rules or orders are applicable to the case of any person serving in the establishment of the High Court shall be decided by the Hon'ble Chief Justice.

**56.** (i) The Hon'ble Chief Justice may, in any case, where it appears to him that the circumstances so require, suspend any employee who is a member of the establishment or lent in the establishment of the Court, and may order an inquiry to be made into the conduct of that employee.

Provided that the Chief Justice shall without delay inform the lending authority of the circumstances in which the lent Government servant was placed under suspension.

(ii) If after enquiry the Chief Justice is of the opinion that the employee lent, should be punished by removal from his office or by dismissal from the service, he shall direct that the employee shall revert to the lending authority with a recommendation for his removal or dismissal as the case may be.

(iii) The Hon'ble Chief Justice shall notify the lending authority before any such enquiry as aforesaid is held and, except where he considers it necessary to recommend removal or dismissal, shall consult that authority before imposing any penalty.

**57.** A character roll shall be maintained for each Gazetted officer and each member of the ministerial establishment. Entries shall be made therein annually by the Registrar General on the basis of his own personal knowledge and of annual confidential reports submitted to him by the Superintendents through the Assistant Registrar and the Deputy Registrar.

Remarks if any of the Hon'ble Chief Justice will also be incorporated in the character rolls.

**58. Service rolls shall be maintained for the employees of the inferior grade** – Entries will be made therein annually by the Registrar and the Deputy Registrar on the basis of their own personal knowledge and of reports submitted by the Court Officer. Remarks if any given by the Registrar General or the Chief Justice shall also form part of such record.

**59. Delegation :-**

The Chief Justice may delegate any Judge of the Court or any officer of the Court with any of the powers vested in him under these Rules.

**60. Saving of the powers of the Chief Justice :-**

(1) Nothing in these Rules shall be construed to limit or abridge the powers of The Chief Justice to deal with the case of any Court employee or any officer in the service of the High Court, as may appear to him to be fit and proper.

(2) The Chief Justice may, from time to time, alter, amend or repeal any of these Rules and make such further Rules or pass such orders, as he may deem fit in regard to all matters herein provided or matters incidental or ancillary to these Rules or in regard to matters which have not been provided or in-sufficiently provided for, in these Rules.

Provided that if such orders relate to salaries, allowances, leave or pension of the employees of the High Court, such orders shall be made with the approval of the Governor.

## **PART V**

### **MISCELLANEOUS**

**61.** The Chief Justice shall have powers to relax age or qualifications for appointment to the service of the High Court in appropriate cases according to his discretion.

**62.** The Chief Justice, if he is of the opinion that it is absolutely necessary in the exigencies of service, may re-employ a retired Gazetted Officer in the service of the High Court, for a period of six months.

**63. Interpretation** – All questions relating to the interpretation of these rules shall be referred to the Chief Justice whose decision thereon shall be final:

Provided that all questions relating to the interpretation of any rule in Parts II and III of these rules in so far as its relates to salaries, allowances, leave or pensions shall be decided by the Chief Justice with the approval of the Governor of the State of Meghalaya, wherever necessary.

**64. Repeal and Saving :-**

(A) All previous Rules, Regulations, Orders, Notifications, Circulars, Instructions and other Instruments with respect to the subject matter covered by these Rules are hereby repealed.

(B) Notwithstanding such repeal, any appointment made or action taken under any of the aforesaid repealed provisions shall be deemed to have been made or taken under these Rules and are hereby saved.

**By order**

**REGISTRAR GENERAL**

**SCHEDULE – I****Existing Posts in the Establishment of the High Court of Meghalaya and Mode of Appointment****GAZETTED OFFICERS CLASS – I**

<b>Sl. No.</b>	<b>Name of Post</b>	<b>No. of Posts Sanctioned</b>	<b>Mode of Appointment</b>
1	Registrar General	1	By deputation of District Judge (Super time scale)
2	Registrar	1	Shall be either a member of the State Judicial Service Grade – I; or a practicing Advocate of not less than ten years' standing at Bar; or any other person, considered suitable by Hon'ble Chief Justice,
3	Joint Registrar-cum-Secretary to Hon'ble Chief Justice	1	Shall be from the State Judicial Service Grade II, or by promotion from the post of Deputy Registrar, or by direct recruitment of an Advocate having not less than ten years' continuous practice at a Bar.

**GAZETTED OFFICERS CLASS – II**

<b>Sl. No.</b>	<b>Name of Post</b>	<b>No. of Posts Sanctioned</b>	<b>Mode of Appointment</b>
1	Deputy Registrar	2	Shall be appointed from among either the Members of the State Judicial Service Grade II, or by promotion from III thereof, or practicing Advocates of not less than seven years' standing at the Bar, or Gazetted Officers in the High Court's service belonging to Class II (A)

**GAZETTED OFFICERS CLASS – II (A)**

<b>Sl. No.</b>	<b>Name of Post</b>	<b>No. of Posts Sanctioned</b>	<b>Mode of Appointment</b>
1	Assistant Registrar	3	Shall be appointed from among the State Judicial Service Grade III, or by promotion from among the Gazetted officers of the High Court's Service belonging to Class II(B), Class II(C) or Class II(D); or from among Advocates of not less than five years' continuous practice at the Bar

**GAZETTED OFFICERS CLASS – II(B)**

<b>Sl. No.</b>	<b>Name of Post</b>	<b>No. of Posts Sanctioned</b>	<b>Mode of Appointment</b>
1	Private Secretary (Stenographer Grade – I)	4	75% of the post of Stenographer Grade –I (Gazetted) shall be filled up by direct recruitment. 25% of the post shall be fill up by promotion from amongst serving Grade – II <b><u>For Direct Recruitment</u></b> Bachelor Degree from a recognize University with diploma in Stenography in English with minimum speed of 120 wpm in shorthand and 50 wpm in computer.

**GAZETTED OFFICERS CLASS – II(C)**

<b>Sl. No.</b>	<b>Name of Post</b>	<b>No. of Posts Sanctioned</b>	<b>Mode of Appointment</b>
1	Superintendent	2	By promotion of Court Master on Merit –cum-Seniority



**GAZETTED OFFICERS CLASS – II (CC)**

Sl. No.	Name of Post	No. of Posts Sanctioned	Mode of Appointment
1	Court Officer (Ex Cadre)	1	By Direct Recruitment

**GAZETTED OFFICERS CLASS – II (D)**

Sl. No.	Name of Post	No. of Posts Sanctioned	Mode of Appointment
1	Court Master	2	By Promotion of SAA on the Basis of Merit-cum-Seniority

**MINISTERIAL ESTABLISHMENT (NON-GAZETTED OFFICERS CLASS – III)**

Sl. No.	Name of Post	No. of Posts Sanctioned	Mode of Appointment
1	Accountant-cum-cashier	1	By promotion of SAA on the basis of Merit-cum-Seniority
2.	Senior Administrative Assistant (SAA)	4	By promotion of JAA on the basis of Merit-cum-Seniority
3	Stenographer Grade – II	1	By Direct Recruitment
4	Junior administrative Assistant (JAA)	11	70% of the posts of JAA shall be filled up by direct recruitment 30% of the total vacancies shall be filled up by promoting Graduate Typists and Computer Operator <b><u>For Direct Recruitment</u></b> Bachelor Degree from a recognize University with Computer Knowledge.
5	Typist	3	70% by direct recruitment 30% by promoting Graduate Grade IV employees <b><u>For Direct Recruitment</u></b> Bachelor Degree from a recognize University with Diploma in Typing Knowledge.

**HIGH COURT SUBORDINATE SERVICE (CLASS – IV)**

<b>Sl. No.</b>	<b>Name of Post</b>	<b>No. of Posts Sanctioned</b>	<b>Mode of Appointment</b>
1	Record Arranger	1	By promotion from eligible Grade IV employees the basis of Merit – cum Seniority <b><u>For Direct Recruitment</u></b> H.S.SL.C. passed with proficiency in English, Hindi and Official Language of the State concerned under the jurisdiction of this High Court.
2	Electrician	1	By Direct Recruitment <b><u>Qualifications</u></b> H.S.SL.C. with ITI Or Equivalent Trade Certificate of Electrician.
3	Driver	8	By direct recruitment <b><u>For Direct Recruitment</u></b> H.S.SL.C. passed from a recognized Board with 3 (three) Years experience
4	Duftry	1	By promotion from among the eligible Grade IV Staff on the basis of Merit-cum- Seniority <b><u>For Direct Recruitment</u></b> H.S.SL.C. passed from a recognized Board.
5	Jamadar	3	By promotion from among the eligible Grade IV Staff on the basis of Merit-cum- Seniority <b><u>For Direct Recruitment</u></b> H.S.SL.C. passed from a recognized Board.
6	Attender	30	By Direct Recruitment or by nomination <b><u>For Direct Recruitment</u></b> H.S.SL.C. passed from a recognized Board.
7	Cook	3	By Direct Recruitment or by nomination <b><u>For Direct Recruitment</u></b> H.S.SL.C. passed from a recognized Board with Diploma in cooking.
8	Chokidar	1	By Direct Recruitment or by nomination <b><u>For Direct Recruitment</u></b> H.S.SL.C. passed from a recognized Board.
9	Mali	4	By Direct Recruitment or by nomination <b><u>For Direct Recruitment</u></b> H.S.SL.C. passed from a recognized Board with knowledge of Gardening work.
10	Sweeper	6	By Direct Recruitment or by nomination <b><u>For Direct Recruitment</u></b> H.S.SL.C. passed from a recognized Board.

**SCHEDULE – I (A)**  
**SCALE OF PAY OF HIGH COURT’S LIBRARIAN SERVICE AND POST**

Sl. No.	Name of Post	No. of Posts Sanctioned	Mode of Appointment
1	Librarian-cum - Research - Officer (Ex - Cadre)	1	Shall be filled up by promotion from the Assistant Librarian Four years of service as Assistant Librarian
2.	Assistant Librarian	1	By direct recruitment or by promotion from the post of Library Assistant. Four years of service as Library Assistant <b><u>For Direct Recruitment</u></b> Bachelor Degree or Diploma in Library Science from a recognized University and Proficiency in the use of computer.
3	Library Assistant	2	By Direct Recruitment <b><u>For Direct Recruitment</u></b> Bachelor Degree or Diploma in Library Science from a recognized University and Proficiency in the use of computer.

**SCHEDULE – I (B)**  
**SCALE OF PAY OF HIGH COURT’S TRANSLATOR SERVICE AND POST**

Sl. No.	Name of Post	No. of Posts Sanctioned	Mode of Appointment
1	Senior Grade Translator (Ex-Cadre)	1	By promotion from the Junior Translator
2.	Junior Grade Translator (Ex-Cadre)	2	By Direct Recruitment

**SCHEDULE – I (C)****PAY AND CADRE OF HIGH COURT'S COMPUTER SERVICE AND POST**

<b>Sl. No.</b>	<b>Name of Post</b>	<b>No. of Posts Sanctioned</b>	<b>Mode of Appointment</b>
1	System Analyst (Ex-Cadre)	1	Shall be fill up by direct recruitment <b><u>For Direct Recruitment</u></b> Qualification or MCA or BE/B.Tech (Computer Science) or M.SC.,PGDCA or M.Tech. (Computer Science). Two years experience for MCA/BE/B.Tech Three years experience for M.SC./PGDCA
5	Computer Operator	1	By Direct Recruitment or by promotion from qualified Grade – IV Employees basis of merit <b><u>For Direct Recruitment</u></b> Bachelor Degree from a recognized University with Diploma/Certificate in Computer Operator shall be eligible to sit for appointment as a computer Operator. The candidate must have received training in execution of works such as 10 data entry and DTP works, basic hardware maintenance including installation of various devices like printers, scanners etc., setting up and configured LAN, 40 Using utilities application software, web designing and web based application software and 50 web based application of computers.

**REGISTRAR GENERAL**